

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

400C0358

## HOUSE ENGROSSED NO. **SB31** - 2/3/99

Introduced by: The Committee on Judiciary at the request of the Attorney General

1 FOR AN ACT ENTITLED, An Act to list Flunitrazepam and Gamma Hydroxy Butyrate as  
2 controlled substances and to provide penalties therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 34-20B-20 be amended to read as follows:

5 34-20B-20. Any material, compound, mixture, or preparation is included in Schedule III  
6 which contains any quantity of the following substances having a potential for abuse associated  
7 with a depressant effect on the central nervous system:

8 (1) Any substance which contains any quantity of a derivative of barbituric acid, or any  
9 salt of a derivative of barbituric acid, except those substances which are specifically  
10 listed in other schedules.

11 (2) Chloral betaine

12 (3) Chloral hydrate

13 (4) Chlorhexadol

14 (5) Lysergic acid

15 (6) Lysergic acid amide

16 (7) Methypylon

17 (8) Sulfondiethylmethane

1 (9) Sulfonethylmethane

2 (10) Sulfonmethane

3 (11) Amobarbital, pentobarbital, and secobarbital in suppository dosage form

4 (12) Gamma hydroxy butyrate.

5 Section 2. That § 34-20B-25 be amended by adding thereto a NEW SUBDIVISION to read  
6 as follows:

7 Flunitrazepam.

8 Section 3. That § 22-42-4 be amended to read as follows:

9 22-42-4. Except as authorized by this chapter or chapter 34-20B, no person may  
10 manufacture, distribute, or dispense a substance listed in Schedule IV; possess with intent to  
11 manufacture, distribute, or dispense, a substance listed in Schedule IV; create or distribute a  
12 counterfeit substance listed in Schedule IV; or possess with intent to distribute a counterfeit  
13 substance listed in Schedule IV. A violation of this section is a Class 6 felony. However, the  
14 distribution of a substance listed in Schedule IV to a minor is a Class 4 felony. A first conviction  
15 under this section shall be punished by a mandatory sentence in the state penitentiary or county  
16 jail of at least thirty days, which sentence may not be suspended. A second or subsequent  
17 conviction under this section shall be punished by a mandatory penitentiary or county jail  
18 sentence of at least one year, which sentence may not be suspended. A civil penalty may be  
19 imposed, in addition to any criminal penalty, upon a conviction of a violation of this section not  
20 to exceed ten thousand dollars. Notwithstanding any other provision of this section, a violation  
21 of this section with respect to distribution of Flunitrazepam to a minor is a Class 4 felony, but  
22 in all other cases under this section is a Class 5 felony.

1    **BILL HISTORY**

2    1/12/99 First read in Senate and referred to Judiciary. S.J. 20

3    1/20/99 Scheduled for Committee hearing on this date.

4    1/20/99 Judiciary Do Pass, Passed, AYES 7, NAYS 0. S.J. 125

5    1/21/99 Senate Do Pass, Passed, AYES 34, NAYS 1. S.J. 149

6    1/22/99 First read in House and referred to Judiciary. H.J. 131

7    1/29/99 Scheduled for Committee hearing on this date.

8    1/29/99 Judiciary Do Pass Amended, Passed, AYES 11, NAYS 0. H.J. 263

9    2/2/99 Motion to Amend, Passed. H.J. 334

10   2/2/99 House of Representatives Do Pass Amended, Passed, AYES 67, NAYS 0. H.J. 335

11   2/2/99 House of Representatives Title Amended Passed. H.J. 335